Adulteration of the sodium cacodylate was alleged for the reason that its strength and purity fell below the professed standard and quality under which it was sold in that each 2 cubic centimeters of the article was represented to contain 1 gram (15½ grains) of sodium cacodylate; whereas each 2 cubic centimeters of the article contained less than so represented, namely, not more than 0.822 gram (12.68 grains) of sodium cacodylate.

Misbranding of the pituitary extract was alleged for the reason that the statement, "Pituitary Extract * * * Double Strength", borne on the label, was false and misleading, since the article was not pituitary extract of double strength. Misbranding of the sodium cacodylate was alleged for the reason that the statement "2 cc * * * Sodium Cacodylate * * * 1 Gm. (15½ grs.)", borne on the label, was false and misleading, since 2 cubic centimeters of the article did not contain 1 gram of sodium cacodylate, but did contain a less amount.

On May 20, 1935, a plea of guilty was entered on behalf of the defendant company and the court imposed a fine of $200.

W. R. GREGG, *Acting Secretary of Agriculture.*

24647. Misbranding of Pheno-Isolin and Menno. U. S. v. Scientific Manufacturing Co., Inc., and Howard J. Force. Pleas of nolo contendere. Fine, $30. (F. & D. no. 33850. Sample nos. 43036-A, 43993-A.)

This case was based on shipments of drug preparations which were misbranded because of unwarranted curative and therapeutic claims in the labeling. The labeling of the Pheno-Isolin was further objectionable since the circular showed the results of germicidal tests under conditions of prolonged exposure, while the bottle label conveyed the misleading impression that it would produce the same result under conditions of practical use.

On December 18, 1934, the United States attorney for the Middle District of Pennsylvania, acting upon a report by the Secretary of Agriculture, filed in the district court an information against the Scientific Manufacturing Co., Inc., and Howard J. Force, Scranton, Pa., alleging shipment by said defendants in violation of the Food and Drugs Act as amended, on or about March 23, 1933, from the State of Pennsylvania into the State of New York, of a quantity of Menno; and on or about August 23, 1933, from the State of Pennsylvania into the State of New Jersey of a quantity of Pheno-Isolin which were misbranded.

Analysis of the Pheno-Isolin showed that it consisted of a brown oily liquid containing chiefly volatile oils dissolved in fixed oil, the fixed oil apparently consisting of a fish oil with rosin and/or rosin oil, and the volatile oils apparently consisting of turpentine, camphor, menthol, and a small amount of thymol. Bacteriological examination showed that it was not a germicide when used as directed. Analysis of the Menno showed that it consisted of a dark brown liquid with a light brown sediment. The liquid contained chiefly water, glycerol, sodium bicarbonate, and alcohol. The sediment apparently was chiefly magnesium carbonate and plant material. An amodin-bearing drug and a small amount of ipecac alkaloids were present.

The articles were alleged to be misbranded in that certain statements, designs, and devices appearing in the respective labelings, falsely and fraudulently represented that the Pheno-Isolin was effective to prevent and destroy infection, effective as a local antitoxin; effective as a relief from pain and as a preventive of pain, swelling, and fever when caused by infection; effective as a preventive of tetanus; effective as a treatment, remedy, and cure for sore mouth, sore gums, sore throat, coughs, bronchial cases, boils, carbuncles, ulcers, old ulcers, bed sores, pyorrhea, mouth ulcers, ulcerated cancer, skin affections, neuritis, and ear infections; effective to protect wounds and ulcers from infection; and that the Menno was effective as a treatment, remedy, and cure for indigestion, gas condition, or ptomaine poisoning. Misbranding of the Pheno-Isolin was alleged for the further reason that the following statements contained in a circular shipped with the article, and the statement "Germicide * * * Use Full Strength", borne on the bottle label, were false and misleading in that they represented that the article was a germicide when used as directed; whereas it was not a germicide when used as directed: "Germicidal Test Method—F. D. A. Wet Filter Paper, U. S. Dept. of Agriculture Circular 198. December, 1931. Organism—Staph. aureus. F. D. A. Culture No 209. Age of culture—24 hours at 37 degrees C. Medium—Standard broth. Peptone—Armours Special. Organic matter—None. Temperature of medication—37 degrees C. Sterile 0.5 cm. squares of Whatman's No. 2 Filter Paper were

impregnated with Staph. aureus having the standard resistance to phenol at 37 degrees C. The wet impregnated papers were then immersed in the sample under test and a paper square removed at stated intervals and retransferred to 10 cc. of sterile broth, washed by agitation and use of a sterile needle, and transferred to a second 10 cc. of sterile broth. Both sets of tubes were then incubated at 37 degrees C. for 48 hours with the following results:

	Hours of Exposure								
Sample	1	2	3	4	5	6	7	8	9
Pheno-Isolin Undiluted	+	+	+	+	+	+	+	+	−

	Minutes of Exposure		
	5	10	15
Phenol 1:80	+	−	−
1:90	+	+	+

"Comments: These results show that Pheno-Isolin had germicidal action in a nine hour period of exposure under the conditions of the test. * * * In the germicidal test, the Pheno-Isolin is slowly absorbed by the bacteria, as the Phenol-Isolin is very slowly soluble in aqueous solutions, which, of course, are different from the albuminous serum in the wound or toxin compounds."

On March 11, 1935, the defendants entered pleas of nolo contendere and the court imposed a fine of $30.

W. R. Gregg, *Acting Secretary of Agriculture.*

24648. Adulteration and misbranding of cinchophen tablets and elixir terpin hydrate and codeine. U. S. v. Fraser Tablet Co., Inc. Plea of guilty. Fine, $400. (F. & D. no. 33858. Sample nos. 66133–A, 69709–A.)

This case was based on interstate shipments of cinchophen tablets which contained less cinchophen than declared, and elixir terpin hydrate and codeine which differed from the standard established by the National Formulary.

On May 13, 1935, the United States attorney for the Southern District of New York, acting upon a report by the Secretary of Agriculture, filed in the district court an information against the Fraser Tablet Co., Inc., New York, N. Y., alleging shipment by said company in violation of the Food and Drugs Act on or about December 15, 1933, from the State of New York into the State of New Jersey of a quantity of cinchophen tablets which were adulterated and misbranded. The information further charged that the defendant company had sold on February 26, 1934, a quantity of elixir terpin hydrate and codeine under a guaranty that the article was not adulterated or misbranded within the meaning of the Federal Food and Drugs Act, that on March 10, 1934, a quantity of the product in the identical condition as when so sold had been shipped by the purchaser in interstate commerce from the State of New York into the State of Connecticut, and that it was adulterated and misbranded in violation of the Food and Drugs Act. The articles were labeled, respectively: "Fraser's Tablets Cinchophen * * * 5 Grains Fraser Tablet Co., Inc. Brooklyn, N. Y."; "Elixir Terpin Hydrate and Codeine N. F. * * * Each Fluidrachm Represents * * * Codeine Alkaloid 1–9 Grain * * * Fraser Tablet Co., Inc. Pharmaceutical Laboratories Brooklyn, N. Y."

The cinchophen tablets were alleged to be adulterated in that their strength and purity fell below the professed standard and quality under which they were sold in that each of the said tablets was represented to contain 5 grains of cinchophen; whereas each of said tablets contained less than so represented, namely, not more than 4.4 grains of cinchophen. The elixir terpin hydrate and codeine was alleged to be adulterated in that it was sold under a name recognized in the National Formulary and differed from the standard of strength, quality, and purity as determined by the test laid down in that authority, since it contained codeine sulphate and no codeine alkaloid, whereas the National Formulary provides that elixir terpin hydrate and codeine shall contain codeine alkaloid, and does not mention codeine sulphate as a normal constituent of elixir terpin hydrate and codeine; and the standard of strength, quality, and purity of the article was not declared on the container thereof. Adulteration of the elixir terpin hydrate and codeine was alleged for the further reason that its strength and purity fell below the professed standard and quality under which it was sold, since it was represented to conform to the standard laid down in the National Formulary, and to contain in each fluid dram 1/9 grain of codeine alkaloid; whereas it did not conform to the standard laid down in the National Formulary and contained no codeine alkaloid.

Misbranding was alleged for the reason that the statements "Tablets * * * Cinchophen * * * 5 Grains" and "Elixir Terpin Hydrate and Codeine